

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CLIFFORD D. JACKSON, III.

Plaintiff,

v.

CLEVELAND CLINIC HOSPITAL,

Defendant.

CASE NO. 1:12 CV 694

JUDGE PATRICIA A. GAUGHAN

MEMORANDUM OF OPINION
AND ORDER

On March 21, 2012, Plaintiff *pro se* Clifford D. Jackson, III, an inmate at the Cuyahoga County Jail, filed this *in forma pauperis* action against Cleveland Clinic Hospital (“the Clinic”). Plaintiff alleges an IV was left in his arm when he was released from a hospitalization at the Clinic in 2008. For the reasons stated below, this action is dismissed pursuant to 28 U.S.C. § 1915(e).

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the district court is required to dismiss an action under 28 U.S.C. § 1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319 (1989); *Lawler v. Marshall*, 898 F.2d 1196 (6th Cir. 1990); *Sistrunk v. City of Strongsville*, 99 F.3d 194, 197 (6th Cir. 1996).

This action lacks an arguable basis in law. There are no facts set forth in the Complaint suggesting a proper basis for this Court's jurisdiction, as the parties are both located in Ohio and no federal statute is implicated by Plaintiff's claim. This action is therefore appropriately subject to

summary dismissal. *Lowe v. Hustetler*, No. 89-5996, 1990 WL 66822 (6th Cir. May 21, 1990).

Accordingly, this action is dismissed under section 1915(e). Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
UNITED STATES DISTRICT JUDGE

Dated: 7/10/12